

Case law precedent has established that an analysis under 35 U.S.C. § 112 begins with a determination of whether the claims do, in fact, set out and circumscribe a particular area with a reasonable degree of precision and particularity. Claim language is viewed not in a vacuum, but in light of the teachings of the prior art and of the application disclosure as it would be interpreted by one possessing the ordinary level of skill in the art. *In re Johnson*, 558 F.2d 1008, 194 USPQ 187 (CCPA 1977); *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).

A decision on whether a claim is invalid under this section of the statute requires a determination of whether those skilled in the art would understand what is claimed when the claim is read in light of the specification, *Seattle Box Co. v Industrial Crating & Packing*, 731 F.2d 381, 385, 221 USPQ 568, 574 (Fed. Cir. 1984).

In determining definiteness, no claim may be read apart from and independent from the disclosure on which it is based. *In re Cohn*, 169 USPQ 95, 98 (CCPA 1971); *In re Kroekel*, 183 USPQ 610, 612 (CCPA 1974):

... claims are not to be considered in a vacuum, "but always in light of the teachings of the prior art and the particular application disclosure as it would be viewed by one possessing the ordinary level of skill in the pertinent art." When considered in light of the prior art and the specification, claims otherwise indefinite may be found reasonably definite.

The Examiner's assertion that "It is not clear why the projected lines is redefined and what causes the projected lines to comprise another set of contour that are different from the first set of contour" clearly evinces that the Examiner is reading claim 29 in a vacuum and not in light of the specification. However, as describe on page 17, lines 17, the three-dimensional from data obtained by the fitting often do not extract characteristics of the three-dimensional form model TM1. Then, the Bezier curve group BCG2 are modified to extract characteristics sufficiently. **By modifying the Bezier curve group BCG2, a pattern of the three-dimensional form model**

**TM1 can be expressed with Bezier curves of a number as small as possible.** Beginning at page 18, line 3, the modification is explained.

Thus, why the projected lines are redefined and what causes the projected lines to comprise another set of contour that are different from the first set of contour would be understood by a person of ordinary skill in the art armed with the present disclosure. The criticism of claim 29 is urged to be directed to breadth of scope and not indefiniteness. As such, the rejection improperly attempts to limit the scope of the claims by requiring additional limitations under the guise that such limitations are necessary to make the claims definite.

While claims are always open to interpretation in light of the disclosure, it is submitted that a reasonable interpretation of claim 29 raises no question that an artisan would readily understand what the metes and bounds of the invention are. Therefore, it is believed that claim 29, and claims 30, 31, 2-3, 5 and 34-36 recite the subject matter of the invention with the required degree of particularity and it is respectfully urged that the rejection be withdrawn.

#### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

Claims 29-31, 2, 5 and 34-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. '680 (hereinafter, Sato '680).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato '680 in view of Letcher, Jr., which the Examiner relies upon to teach defining control points and moving the control points along the surface of a model (col. 16, lines 29-40).

The rejections are respectfully traversed.

The Examiner states in the Official Action that Sato projects a plurality of lines to the surface of the object (page 3, item 4). In the embodiment of Sato, the slit light generator 302

projects light to the object surface 201. However, in independent claim 29, first, data representing a three-dimensional form model is obtained. Next, a plurality of lines are projected to a surface of the three-dimensional form model. As is apparent from the present disclosure, and as would be easily understood by a person skilled in the art, the “three-dimensional form model” of claim 29 does not exist as a physical entity, but is a conceptual model presented by the three-dimensional form model, and can be recognized by a user by displaying it on a screen, or the like.

Sato does not describe or suggest data to obtain a three-dimensional form model first and to subsequently project a plurality of lines to a surface of the three dimensional form model. Thus, independent claim 29, and claims 2, 3, 5, 30, 31, 34, 35 and 36 depending from claim 29, are patentable over Sato '680, even if considered in view of Letcher, Jr. Consequently, the allowance of claims 29, 2, 3, 5, 30, 31, 34, 35 and 36 is respectfully solicited.

## **CONCLUSION**

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

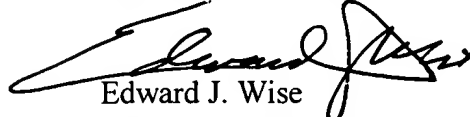
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extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.



Respectfully submitted,

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